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09/886,895	06/21/2001	Carl N. Baron	NOR/1006	6116

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/886,895
Filing Date: June 21, 2001
Appellant(s): BARON, CARL N.

David H Brinkman (Reg No 40532)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 17, 2007 appealing from the Final Office action mailed December 18, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejections of claims 1 and 5 under 35 USC 112 second paragraph, is withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| 6282454 | Papadapoulos et al | 8-2001 |
| 6233618 | Shannon et al | 5-2001 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   **Claims 1-3 and 5-7 rejected under 35 U.S.C. 103(a) as being unpatentable over**

Papadopoulos et al (US Patent No 6,282,454) in view of Shannon et al (US Patent No

6,233,618).

3.   In reference to claims 1 and 5, Papadopoulos in view of Shannon teaches a method of

regulating network access to selected functions of a controller of a machine, comprising:

Coupling a controller of a machine to a network having a web server (*Figure 2 and*

column 4 lines 7-12 & 21-24, Papadopoulos discloses the PLC controller is coupled to the

network via a web server) configured to publish a plurality of web screens configured to control

the selected functions of the controller (*column 3 line 61 – column 4 line 12 and column 4 lines*

33-35, Papadopoulos discloses the web server publishes web pages used for controlling the PLC

controller), the controller being operatively coupled to and independent of the web server (*Figure 2 and column 4 lines 21-24*);

Publishing web screens on the network via the web server for receipt by at least one remote computer coupled to the web server via the network (*column 3 line 61 – column 4 line 12 and column 4 lines 33-35,* Papadopoulos discloses a client receives web pages that are used as an interface to control the PLC controller);

Although Papadopoulos indeed teaches a web server that identifies users based on a user list and restricts user access based on passwords and authorizations (*column 4 lines 16-20 and column 9 lines 55-65*), Papadopoulos fails to explicitly teach the method of restricting access as stated by the limitations: identifying at the web server a network address of a user accessing the web server via the network; and restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user. However, Shannon teaches a network-based access control technique that restricts specific users of accessing a computer system. Shannon specifically discloses method of identifying a network address of a user accessing the web server via the network (*column 7 lines 10-40*); and restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user (*column 7 line 25 – column 8 line 12*).

It would have been obvious for one of ordinary skill in the art to modify Papadopoulos by identifying a network address of a user accessing the web server via the network; and restricting access of the user to selected published web screens of the plurality of web screens published by the web server based upon the identified address of the user as per the teachings of Shannon

because the access-control technique as taught by Shannon is recognized in the art as a valid

alternative method of restricting user access to a system.

4.   In reference to claims 2 and 6, Papadopoulos in view of Shannon teaches the method

according to claim 1, wherein a user accessing the web server via the at least one remote

computer is restricted in access to a subset of the plurality of published web screens (*Shannon,*

column 3 line 35 – column 4 line 25 and column 7 line 10 – column 8 line 12, see rationale for

the above claims 1 and 5).

5.   In reference to claims 3 and 7, Papadopoulos in view of Shannon teaches the method

according to claim 1, wherein a user accessing the web server via the web server is unrestricted

in access to the plurality of published web screens (*Papadopoulos, column 3 line 35 – column 4*

line 25 and column 7 line 10 – column 8 line 12).

6.   The above rejections are based upon the broadest reasonable interpretation of the claims.
Applicant is advised that the specified citations of the relied upon prior art, in the above
rejections, are only representative of the teachings of the prior art, and that any other supportive
sections within the entirety of the reference (including any figures, incorporation by references,
claims and/or priority documents) is implied as being applied to teach the scope of the claims.

(10) Response to Argument

The examiner summarizes the various points raised by the Appellant and addresses the

arguments individually.

1.   Appellant argues claims 1 and 5 on pages 12-13 of the Appeal Brief. Appellant argues

that the access-control function of the claim is only performed by the web server that publishes

the web screens whereas the access-control function of Shannon is performed by a gateway (and

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not a web server) that sits between a LAN and a WAN and performs access-control to a server

on the WAN side.

In response, the network architecture of Shannon (i.e. where a gateway device sits

between a LAN and a WAN) was not relied upon for the rejection. Only the particular access-

controlling technique itself (i.e. restricting user access based upon user network address) is what

was relied upon (see Shannon, *column 7 line 10 – column 8 line 12*).

The Papadopoulos reference was used as the primary reference to demonstrate that a

general type of access-control function is performed by a web server, and where this web server

applies a general technique in restricting user access to the web server and users that have access

permission would subsequently control the PLC controller (see Papadopoulos, *column 3 line 61*

– column 4 line 12, and column 4 lines 16-20 & 33-35 and also column 9 lines 55-65).

However, the web server of Papadopoulos does not perform the particular access-control

function as mentioned in the claim. Therefore, it was seen as obvious to use the particular access-

control technique of Shannon and apply it to the web server of Papadopoulos in order to render

the claim unpatentable (see 103(a) rejection above).
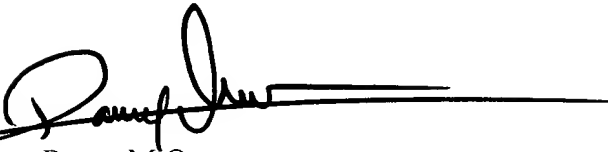

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

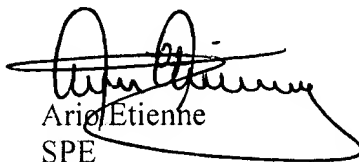Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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